IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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O R D E R

STATE OF RAJ. VS. SURJEET SINGH & ORS. .

S.B. CIVIL WRIT PETITION NO.4491/2002 UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER : 5.7.2006

PRESENT

HON'BLE MR.MOHAMMAD RAFIQ,J.

Mr.Rameshwar Dave, Dy.GA, for the petitioner.
Mr.N.L. Joshi, for the respondents.

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BY THE COURT: -

The petitioner State of Rajasthan in this writ petition challenged the order dated 24.8.1999 (Annex.3) passed by the Prescribed Authority under the Payment of Wages Act whereby the application of the respondent filed under Section 15(2) of the Act of Payment of Wages Act, 1936 (hereinafter referred as the Act of 1936) was allowed. The Prescribed Authority directed the State Government to pay a sum of Rs.5,400/- to the respondent no.1 and the direction to pay a sum of Rs.1,440/- was given to

the respondent no.2, Sarpanch, Gram Panchayat, Indergarh, Tehsil Sangaria. The State of Rajasthan preferred appeal against this order before the court of Addl. District Judge NO.2, Hanumangarh. The appellate court while upholding the order passed by the Prescribed Authority dated 24th August, 1999, dismissed the appeal preferred by the State of Rajasthan.

The learned Dy. Government Advocate Shri Rameshwar Dave appearing for the petitioner has argued that the sanction was granted by the Gram Panchayat vide their letter dated 4th June, 1996 for engaging one person to run the Water Supply Scheme in Chak 8 PTP and the PHED of the State Government was required to pay 50% of the salary of that person to the Gram Panchayat, i.e., respondent no.2 directly. He has argued that by order dated 14.12.1996, 50% of the salary was already sanctioned in favour of the respondent no.2, which amount in the sum of Rs.5,400/- was paid by demand draft on 27.7.1997. The remaining amount was required to be paid by Gram Panchayat.

On the other hand, learned counsel for the respondent Shri N.L. Joshi submitted that the orders passed by the Prescribed Authority and the appellate court are just and proper. He has argued that the respondent has worked for 13 months and 18 days and his outstanding wages in the sum of Rs.6,840/- was not paid, in these circumstances, he had no option, but to

approach the said authority under the provisions of the act of 1936. It is also stated by learned counsel for the respondent that when the respondent approached the Sarpanch, Gram Panchayat, the Sarpanch vide Ex.P/38 gave in writing that he was not responsible for making payment of outstanding wages and only PHED could make such payment. The Sarpanch also issued a certificate on 19.12.1996 to the effect that the work of the respondent was satisfactory.

I have considered the arguments advanced by learned counsel for both the parties and perused the record.

The learned Prescribed Authority in the impugned order dated 24th August, 1999 has made a detailed analysis of the evidence produced before it and has recorded a finding that the PHED and Gram Panchayat had agreed to engage the respondent for a period of one year, although on contract basis, to run water supply. The Prescribed Authority has also noted that the PHED has inspected the work of the respondent from time to time. The respondent was working as head pump driver and on evidence it was established that he was engaged on a monthly salary of Rs.900/-. According to the provisions of Section 8 of the Act of 1936, the non-applicants were liable to make payment of the outstanding wages of the applicant. The view taken by the learned Prescribed Authority has been upheld by the appellate court vide its order dated 20.4.2002 (Annex.5). I do

not find any legal infirmity or error in the two orders passed by the authorities.

Hence, there being no force in this writ petition,the same is hereby dismissed.

No order as to costs.

(MOHAMMAD RAFIQ), J.

c.p.goyal/-